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**MEDIA NOTIFICATION**

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**STATE WINS SIGNIFICANT DEATH PENALTY CASE IN U.S. SUPREME COURT**

By a vote of 8-1, the United States Supreme Court today reversed the 2001 decision of the Sixth Circuit Court of Appeals that had vacated the death sentence of Tennessee death row inmate Gary Bradford Cone. The Sixth Circuit Court in Cincinnati had found Cone's lawyers were constitutionally ineffective during the sentencing phase of his capital trial, but the High Court emphatically rejected that conclusion in today's ruling, holding instead the state trial and appellate courts had fully reviewed and reasonably rejected Cone's ineffective assistance of counsel claim.

"The majority opinion, authored by Chief Justice Rehnquist, will have a significant impact beyond Cone's case," said Tennessee Solicitor General Michael Moore, who argued the case on behalf of the State on March 25. "Today's decision emphasizes a federal court may not lawfully disturb a state court criminal conviction or sentence on the basis of alleged constitutional errors previously considered and rejected by the state courts unless the prior state court decision was objectively unreasonable. And, perhaps even more importantly, the Supreme Court has now made it clear that, in virtually all circumstances, a defendant claiming ineffective assistance of counsel bears the heavy burden of demonstrating counsel's errors prejudiced the outcome of the trial."

Cone was convicted in 1982 for the Aug. 10, 1980 murder of 93-year-old Shipley Todd and his 79-year-old wife, Cleopatra, in their Memphis home. Cone was fleeing after committing a robbery when he broke into the elderly couple's home. When they refused to cooperate with him, the defendant beat them to death, inflicting 16-22 blows to the head of each. Each victim had defensive wounds.